



Attorney Docket No. 0756-1943

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:) Group Art Unit: 2871
Shunpei YAMAZAKI et al.) Examiner: M. Ton
Serial No. 09/288,140) CERTIFICATE OF MAILING
Filed: April 8, 1999) I hereby certify that this correspondence is
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Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450, on September 1,
2004.

Adelle M. Stamps

RESPONSE

Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Official Action mailed April 1, 2004, has been received and its contents carefully noted. Filed concurrently herewith is a *Request for Two Month Extension of Time*, which extends the shortened statutory period for response to September 1, 2004. Accordingly, the Applicants respectfully submit that this response is being timely filed.

The Applicants note with appreciation the consideration of the Information Disclosure Statements filed on April 7, 1999, March 14, 2000, August 24, 2000, October 19, 2000, December 12, 2000, April 26, 2001, September 5, 2001, December 10, 2001, February 11, 2002, and September 17, 2002. However, the Applicants have not yet received acknowledgment of the Information Disclosure Statement filed on May 3, 2004. The Applicants respectfully request that the Examiner provide an initialed copy of the Form PTO-1449 evidencing consideration of this Information Disclosure Statement.

Claims 4, 9, 14, 25, 33, 36-38, 43, 51, and 54-66 are pending in the present application, of which claims 4, 9, 14, 25, 33, 63, and 65 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 2 of the Official Action rejects claims 4, 9, 14, 25, 33, 36-38, 43, 51, and 54-66 as obvious based on the combination of JP 01-156725 to Matsueda and U.S. Patent No. 5,055,899 to Wakai et al. This rejection appears to be maintained from the Official Action mailed August 21, 2003. The Applicants respectfully traverse the rejection because the Official Action has not made a *prima facie* case of obviousness.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of independent claims 4, 9 and 14. In the Amendment filed January 21, 2004 (received by the Patent Office on January 23, 2004), claims 4, 9, and 14 were amended to recite that each pixel comprises at least first and second thin film transistors. It is respectfully submitted that neither Matsueda nor Wakai, taken alone or in combination, disclose or suggest this limitation. Furthermore, the Official Action appears to be completely silent as to this feature and fails to even assert that this feature is disclosed or suggested in the prior art, or to address this feature in the *Response to Arguments* appearing on pages 3-4 of the Official Action. It is respectfully submitted that the Official Action has failed to provide a sufficient showing that claims 4, 9 and 14 are *prima facie* obvious and favorable reconsideration is requested.

Independent claims 25 and 33 recite a first hole and a second hole, wherein the first hole and the second hole do not overlap with each other. This feature is also not taught or suggested by either Matsueda or Wakai, taken alone or in combination. It is respectfully submitted that the prior art of record fails to disclose or suggest at least this feature of the present invention and that a *prima facie* case of obviousness cannot be maintained for at least this reason. Furthermore, the Official Action again appears to be silent in this regard and fails to provide a convincing line of reasoning as to why this feature would have been obviousness based on the combination of Matsueda and Wakai. Favorable reconsideration is requested.

Claims 63 and 65 recite a particular relationship of the first and second thin film transistors with respect to the first and second signal lines. This feature is also not taught or suggested by Matsueda or Wakai and again the Official Action fails to discuss this feature of the claims. It is submitted that a *prima facie* case of obviousness cannot be maintained in view thereof and reconsideration is requested.

It is noted that the *Response to Arguments* included in the Official Action fails to address each of these arguments as previously presented in Applicants response filed January 21, 2004. As such, it is respectfully requested that any further Official Action be non-final.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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